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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,991

Applicant(s)

CARPENTER, WILTSE J.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 05 February 2004.

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-22 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 2 of the specification, reference is made to U.S. Application Serial Number 09/287,666 and the status should be updated to reflect that the application is now abandoned.

On page 26 of the specification, on line 1, reference is made to "U.S. Application Serial Number ___/_____, filed _____, 1999" and it appears that it is of 09/287,247 filed on April 7, 1999 and is now U.S. Patent 6,745,245.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claims 1,6, and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 15 of U.S. Patent No. 6,745,245. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are envisioned by patent claims 1 and 15 of the instant application. Claims 1,6, and 16 of the instant application therefore are not patently distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite of software alone and of itself and it is suggested by the examiner that the claims be amended to recite that the computer program product is embodied on a computer readable medium.

Response to Arguments

5. Applicant's remarks filed in regards to the prior art rejection of Apperson et al, U.S. Patent 5,978,484 have been noted. The examiner notes that at the bottom of page 10, it recites "In particular, the presently claimed embodiments determine whether access will be granted based on the source of the script and associated permissions that are defined in access control data structures that are independent of the script".

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The examiner has found this remark to be persuasive to overcome the prior art of record, however, the highlighted feature is not currently recited in claim 6 or in any of its dependent claims. Claim 6 would be allowed over the prior art of record upon incorporating this limitation into the independent claim as is argued by the applicant.

The examiner has noted that the applicant has indicated that the instant application and Apperson et al, U.S. Patent 5,978,484 are commonly owned. The examiner acknowledges this claim, but the applicant hasn't complied with MPEP 706.02(I)2 II whereby the MPEP recites {{In her response to the Office action, the attorney or agent of record for Application X states, in a clear and conspicuous manner, that: "Application X and Patent A were, at the time the invention of Application X was made, owned by Company Z." This statement alone is sufficient evidence to disqualify Patent A from being used in a rejection under 35 U.S.C. 103(a) against the claims of Application X.}}

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 6,7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Apperson et al.

As per claim 6, it is disclosed by Apperson et al of client computer that includes various components as shown in Figure 1. The client includes a script interpreter that is configured to receive objects that comprise executable code that can include scripts.

The executable code of the objects contain various properties that is compared against security related privileges (col. 4, lines 7-10,33-43 and col. 9, lines 31-33). Based upon comparison against the security related privileges, it is determined if the scripts, which are executable objects, are granted or denied access (col. 4, lines 7-10,56-59). The client computer receives the executable objects that are scripts from the server computer (col. 4, lines 7-12). The script requests access to certain privileges to particular system objects (col. 4, lines 33-43). It is determined if the script, which is an executable object, contains privileges (permissions) which are allowed (authorized to access)(col. 4, lines 56-59). Also considered in granting access to a script in regards to a particular system object is a determination of the distributing authority (source) of the script in which the authenticity is determined. Access is (selectively granted) based on the comparison (determination) of the factors (col. 7, lines 56-59 and col. 8, lines 35-37,45-47). It is additionally recited of a privilege request code (permission identifier), which indicates a set of security related privileges that the executable code of the script in which will access the particular system object (col. 4, lines 7-10,33-35). Also considered in granting access to a script in regards to a particular system object is a determination of the distributing authority (source) of the script in which the authenticity

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is determined. Access is (selectively granted) based on the comparison (determination) of the factors (col. 7, lines 56-59 and col. 8, lines 35-37,45-47). Identification by means of a holder ID (source ID) of the holder of the certificate is listed which identifies the source of the script (as shown in Figure 4 and col. 6, lines 34-36). The possible list (access control data structure) of privileges is also identified in the teachings of Apperson et al that are permitted or denied (col. 4, lines 33-43).

As per claim 7, Apperson et al teaches of a script requesting access to certain privileges to particular system objects (col. 4, lines 33-43). It is determined if the script, which is an executable object, contains (particular) privileges (permissions) which are allowed (authorized to access)(col. 4, lines 56-59).

As per claim 9, Apperson et al recites of a script requesting access to certain privileges to particular system objects (col. 4, lines 33-43). It is determined if the script, which is an executable object, contains privileges (permissions) which are allowed (authorized to access)(col. 4, lines 56-59). Also considered in granting access to a script in regards to a particular system object is a determination of the distributing authority (source) of the script in which the authenticity is determined. Access is (selectively granted) based on the comparison (determination) of the factors (col. 7, lines 56-59 and col. 8, lines 35-37,45-47). It is interpreted by the examiner that if the privileges (permissions) is denied, then the script will be denied access to the object.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apperson et al.

As per claim 8, the teachings of Apperson et al disclose of a client that includes a script interpreter that is configured to receive objects that comprise executable code that can include scripts. The executable code of the objects contain various properties that is compared against security related privileges (col. 4, lines 7-10,33-43 and col. 9, lines 31-33). Based upon comparison against the security related privileges, it is determined if the scripts, which are executable objects, are granted or denied access (to be executed)(col. 4, lines 7-10,56-59). The teachings are silent in disclosing that the script modifies a particular object. The examiner hereby takes official notice that modifying objects by means of a script is well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply modifying an object by means of a script. Scripts are notoriously well known as containing instructions that includes rules and syntax and can cause certain actions such as modifying the accessed resource. It would have been obvious to a person of ordinary skill in the art to call the methods of an object in turn that the script then modifies the state of an object when it is desired to make changes to an object.

As per claims 10 and 11, the teachings of Apperson et al disclose of granting access to a script in regards to a particular system object is a determination of the distributing authority (source) of the script in which the authenticity is determined. Access is (selectively granted) based on the comparison (determination) of the factors (col. 7, lines 56-59 and col. 8, lines 35-37,45-47). Identification by means of a holder ID (source ID) of the holder of the certificate is listed which identifies the source of the script (as shown in Figure 4 and col. 6, lines 34-36). The possible list (access control data structure) of privileges is also identified in the teachings of Apperson et al that are permitted or denied (col. 4, lines 33-43). The teachings of Apperson et al are silent in disclosing of a source ID corresponding to a URL. The examiner hereby takes official notice that the use of URLs is known as a means of identifying an address of a location across the Internet. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to implement a means of identifying locations across the Internet. URL which stands for uniform resource locator is a means by which web browsers locate information on the Internet. The teachings of Apperson et al are suggestive to the use of URLs whereby it is recited of a browser which is used to access resources from the Internet or an Intranet which allows for the client to accept and execute the executable code (for viewing by a user)(col. 4, lines 23-26). It is obvious that the information is accessed by means of a URL as is known in the art for accessing information that is located on the Internet.

As per claims 12-15, Apperson et al recites of a privilege request code (permission identifier) which indicates a set of security related privileges that the

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executable code of the script in which will access the particular system object (col. 4, lines 7-10,33-35). Also considered in granting access to a script in regards to a particular system object is a determination of the distributing authority (source) of the script in which the authenticity is determined. Access is (selectively granted) based on the comparison (determination) of the factors (col. 7, lines 56-59 and col. 8, lines 35-37,45-47). Identification by means of a holder ID (source ID) of the holder of the certificate is listed which identifies the source of the script (as shown in Figure 4 and col. 6, lines 34-36). The possible list (access control data structure) of privileges is also identified in the teachings of Apperson et al which are permitted or denied (col. 4, lines 33-43). The teachings of Apperson et al are silent in disclosing of a second entry of the access control data structure and a second script which accordingly have different permissions and permission identifiers from a first script and first entry of the access control data structure. The examiner hereby takes official notice that such a concept is notoriously well known. It would have been obvious to a person of ordinary skill that when viewing information on the Internet through means of a browser, various types of information is going to be downloaded where most the of information is gonna differ as to size and type of the particular resource obtained across the Internet. Although the teachings of Apperson et al do not explicitly recite of downloading various types of information, it is obvious that the teachings of Apperson et al do perform this function. Apperson et al discloses of different privileges (col. 4, lines 33-43), it is obvious that these permissions are particular to a specific type of downloadable, hence a second entry in the access control data structure and a second script.

Allowable Subject Matter

10. Claims 1-5 and 16-22 are allowed over the prior art, upon submission of a terminal disclaimer.

11. It was not found to be taught in the prior art of determining whether access will be granted based on the source of the script and associated permissions that are defined in access control data structures that are independent of the script.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please refer to PTO-892 for cited references.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Revak

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9/13/04

CR



September 13, 2004